

AGENDA

TUSAYAN PLANNING AND ZONING COMMISSION

PURSUANT TO A.R.S. § 38-431.02 & §38-431.03

Wednesday, September 10, 2014 @ 6:00pm

TUSAYAN TOWN HALL BUILDING

845 Mustang Drive, Tusayan Arizona

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Tusayan Planning and Zoning Commission and to the general public that the commission will hold a meeting open to the public on Wednesday, September 10, 2014 at the Tusayan Town Hall Building. The commission may change, in its discussion, the order in which any agenda items are discussed during the course of the meeting.

Persons with a disability may request a reasonable accommodation by contacting Town Manager (928) 638-9909 as soon as possible.

As a reminder, if you are carrying a cell phone, electronic pager, computer, two-way radio, or other sound device, we ask that you silence it at this time to minimize disruption of today's meeting.

PLANNING AND ZONING COMMISSION AGENDA

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

**CHAIR ROBERT GOSSARD
VICE CHAIR BETH HEARNE
COMMISSIONER CLAYANN COOK
COMMISSIONER JANET ROSENER
COMMISSIONER JOHN SCHOPPMANN**

TOWN COUNCIL LIAISON COUNCILMEMBER CRAIG SANDERSON

3. CALL TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on items not on the printed agenda. The Commission may not discuss, consider or act upon any matter raised during public comment. Comments will be limited to three minutes per person.

4. CEREMONIAL AND/OR INFORMATIONAL MATTERS

Oath of Office for new Commissioner John Schoppmann

5. CONSENT AGENDA

Approval of the Minutes of the Special Meeting held on 3/12/14

6. ACTION ITEMS

- A. Selection of Tusayan Planning and Zoning Commission Chair
- B. Selection of Tusayan Planning and Zoning Commission Vice Chair
- C. Consideration, discussion, and possible approval of Master Plan for an Expansion of Best Western Premier Grand Canyon Squire Inn and Design Review Case No. DR2014-02, a Design Review of Phase I of the expansion

7. DISCUSSION ITEM

Review of Planning and Zoning Handbook Selections

8. MOTION TO ADJOURN

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at the General Store in Tusayan, Arizona on this 9th day of September, 2014 at 3:57 pm in accordance with the statement filed by the Tusayan Town Council.



Signature of person posting the agenda

ITEM NO. 5

TUSAYAN PLANNING AND ZONING COMMISSION
PURSUANT TO A.R.S. 38-431.02 & 38-431.03
WEDNESDAY, MARCH 12, 2014 @ 6:00 pm
TUSAYAN TOWN HALL
845 Mustang Drive, Tusayan, Arizona

PLANNING AND ZONING COMMISSION MEETING SUMMARIZED MINUTES

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Gossard called the meeting to order at 6:02 pm and the Pledge of Allegiance was recited.

2. ROLL CALL

Upon roll call, the following were present:

CHAIR ROBERT GOSSARD
VICE CHAIR BETH HEARNE
COMMISSIONER SANDI ANGAT
COMMISSIONER CLAYANN COOK - excused
COMMISSIONER JANET ROSENER

TOWN COUNCIL LIAISON: COUNCILMEMBER CRAIG SANDERSON

Also present were:

Will Wright, Town Manager
Melissa Drake, Town Clerk

3. CALL TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

NONE

4. CEREMONIAL AND/OR INFORMATIONAL MATTERS

NONE

5. CONSENT AGENDA

Approval of the Minutes of the Regular Meeting held on 2/25/14

Vice Chair Hearne made a motion to approve the Consent Agenda. Commissioner Rosener seconded the motion and it passed unanimously.

6. ACTION ITEMS

A. Consideration, discussion, and possible approval of Tusayan General Plan 2024 (continued)

Manager Wright gave an overview of the status of the General Plan and additional comments from Clarinda Vail and Carolyn Oberholtzer which were received today.

He also stated that due to issues with zoning, Planner Lawrence Tomasello has recommended removing the matrix which he added in January.

He specifically addressed Ms. Vail's request to include the NACOG 208 boundaries on Exhibit C. He stated that the exhibit map would be "cluttered" if that additional boundary was added and would not be very useful to users. He asked Former Mayor Pete Shearer, who represents the Sanitary District, if that addition was necessary. Mr. Shearer suggested adding a reference in the narrative instead of adding it to the map. There was additional discussion about the wording of the section on the history of the Sanitary District.

Manager Wright and the Commission discussed the other comments submitted by Ms. Vail and Ms. Oberholtzer including naming Century Link as the communications company in the Town, land behind the Grand Hotel, and the State right-of-way along Highway 64.

Robin Martin from Grand Canyon National Park spoke thanking the Commission for including some of their comments and requested again greater restrictions on water use. Manager Wright stated that after consideration, it was decided that additional restrictions could preclude possible future favorable options for water sources so they were not included.

The Commission discussed the options and Vice Chair Hearne made a motion to approve the General Plan and refer it to the Town Council with the following changes:

- Include Mr. Shearer's recommendation regarding the NACOG 208 District
- Delete the matrix as recommended by Mr. Tomasello

Commissioner Angat seconded the motion and it passed on unanimous vote.

7. MOTION TO ADJOURN

Vice Chair Hearne made a motion to adjourn the meeting at 6:35 pm. Commissioner Rosener seconded the motion and it passed unanimously.

ATTEST:

Robert Gossard, Chair

Date

Melissa M. Drake, Town Clerk

CERTIFICATION

State of Arizona)
) ss.
Coconino County)

I, Melissa Drake, do hereby certify that I am the Town Clerk of the Town of Tusayan, County of Coconino, State of Arizona, and that the above minutes are a true and correct summary of the meeting of the Planning and Zoning Commission of the Town of Tusayan held on March 12, 2014. I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 13th day of March, 2014

Melissa M. Drake, Town Clerk

ITEM NO. 6C

August 22, 2014

Mr. Will Wright, Town Manager
845 Mustang Drive
Tusayan, AZ 86023

Re: Squire Inn

Dear Will:

This letter is to advise you that the third revision of the Best Western Premier Grand Canyon Squire Inn Master Plan, as depicted on attached Exhibit A1.00, dated August 4, 2014, is in compliance with the requirements and standards of the Tusayan Zoning Ordinance.

The Master Plan, as presented, is a permitted use in the CH-10000 (Commercial Heavy) Zone District and will not, therefore, require approval of a conditional use permit to proceed. The next stage in the process will be for the architect/applicant to submit an application for design review for the first phase of the Master Plan. Design review for a project of this scope requires review and approval of the Planning and Zoning Commission before the project can proceed.

I spoke with the an Jeff Ko of Stricker Cato Murphy Architects, P.S. yesterday and was told that the firm would e-mail the design review application, with all required attachments and information required in Section 13.10-4 of the Town's Zoning Ordinance to you so that you could schedule a meeting with the Planning and Zoning Commission as soon as practical. I was further informed that the firm would have an architect attend the meeting to make a presentation to the Commission on the first phase of the aforementioned Master Plan.

Should you have any questions, or require additional information, please contact me at (520) 826-9352 or by e-mail at lawrence_tomasello@yahoo.com

Sincerely,

Lawrence

c. Keith Foster, Superintendent
Katerina Prochaska, Architect
Jeff Ko, Architect
Grant Anderson, VP, Willdan

Town of Tusayan
Design Review Overlay Application

Contact Information

Willdan Engineering 1440 East Missouri Avenue Ste. C-170
Phoenix, Arizona 85014
Phone (602)395-7531 - Fax (602) 870-7601
ganderson@willdan.com

APPLICANT

Name Stricker Cato Murphy Architects
Mailing Address 311 1st AVE S. Suite 310
Seattle, WA 98104
Contact Person Peter Stricker
Phone 206-324-4800 Fax _____
Email peters@scm-arch.com

PROPERTY INFORMATION

Assessor's Parcel # 502-17-008A
Subdivision _____
Unit # _____ Lot # _____
Address/Location 148 State Route 64
Tusayan, AZ 86023
Existing Zoning CH-10,000
Existing Land Use HOTEL
Proposed Land Use HOTEL
Lot Size 11.86 ACRES

OFFICE USE ONLY

Received By: _____ Date: _____
Receipt #: _____ Fee: _____
Case #: _____
Related Cases: _____

SUBMITTAL CHECKLIST

☐ \$400 non-refundable filing fee.

The purpose of this fee is to pay for legal noticing and application processing.

☐ Pre-application meeting with a staff planner of the Town of Tusayan.

Date met with staff for pre-application _____

☐ A *typewritten* list of names and addresses of all property owners within 300 feet of subject property.

☐ Fifteen copies of each of the following plans and drawings:
(See reverse for detailed requirements)

☐ Site Plan

☐ Signage Plan

☐ Landscape Plan

☐ Lighting Plan

☐ Architectural Drawings

☐ Grading and Drainage Plans

All materials must be folded to fit in a legal-size file (8"x14") and labeled so that the applicant's name and project location are visible.

CERTIFICATION & SIGNATURE

Submittal of this application constitutes consent of the applicant in granting the City of Tusayan access to the subject property during the course of project review.

No further consent or notice shall be required.

I hereby certify that the information in this application is correct and agree to abide by the regulations of this jurisdiction.

Signature of Applicant

Peter Stricker Date 8/22/14

Signature of Property Owner (if not the applicant)

_____ Date _____

COMMISSION ACTION

___ Approved with Conditions(see attachments)

___ Denied

Resolution #:

Date:

BOARD ACTION

___ Approved with Conditions(see attachments)

___ Denied

Resolution #:

Date:

Town of Tusayan
Design Review Overlay Application

Contact Information

Willdan Engineering 1440 East Missouri Avenue Ste. C-170
Phoenix, Arizona 85014
Phone (602)395-7531 - Fax (602) 870-7601
ganderson@willdan.com

Guidelines for a Design Review Overlay (DRO)

PLANS AND DRAWINGS REQUIRED FOR APPLICATION

An application for a Design Review Overlay (DRO) requires the following plans. *Fifteen copies* of each plan—*scaled and dimensioned*—must be included. All materials must be folded to fit in a legal-size file (8"x13") and labeled so that the applicant's name and project location are visible.

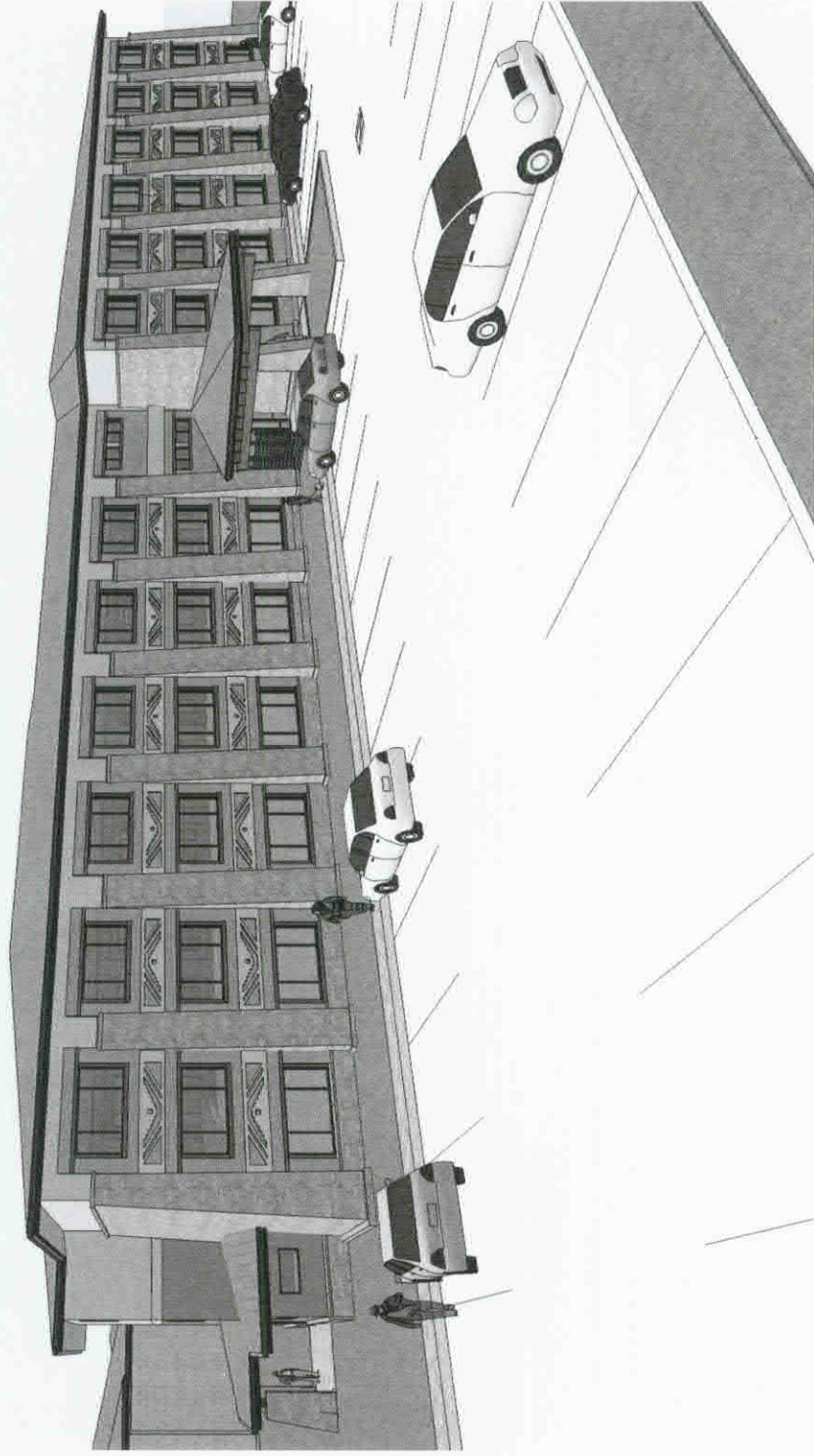
- ☐ Site plan detailing property boundaries; existing improvements and uses; and proposed improvements and uses. The site plan shall also indicate the locations of driveways, pedestrian walks, landscaped areas, fences, walls, and off-street parking areas including entrances and exits and the direction of traffic flow into and out of off-street parking areas.
- ☐ Landscape plan detailing the locations of existing trees (both to be retained and to be removed); the location and design of landscaped areas; the number, varieties and sizes of proposed plant materials; and other landscape features including sprinkler and irrigation systems.
- ☐ Architectural drawings including floor plans in sufficient detail to permit computation of yard and parking requirements; and elevations of all proposed structures as they will appear upon completion. All exterior surfacing materials and colors shall be specified. Color renderings or paint and material samples are required.
- ☐ Signage plan detailing all existing and proposed signs, including their location, size, materials, color, and method of illumination.
- ☐ Lighting plan including location of all outdoor lighting fixtures and description of each (i.e. lamp type, lumen output, shielding).
- ☐ Grading and drainage plans.
- ☐ Any other plan as determined by the Town Planner.

PUBLIC HEARINGS

The Planning and Zoning Commission meets regularly. Applicants will be notified by phone, mail or e-mail of meeting dates, times, and places. An incomplete application may delay the scheduling of a hearing. The action of the Planning and Zoning Commission on a Design Review Overlay is final unless an appeal is filed with the Board of Supervisors within fifteen days of Commission action.

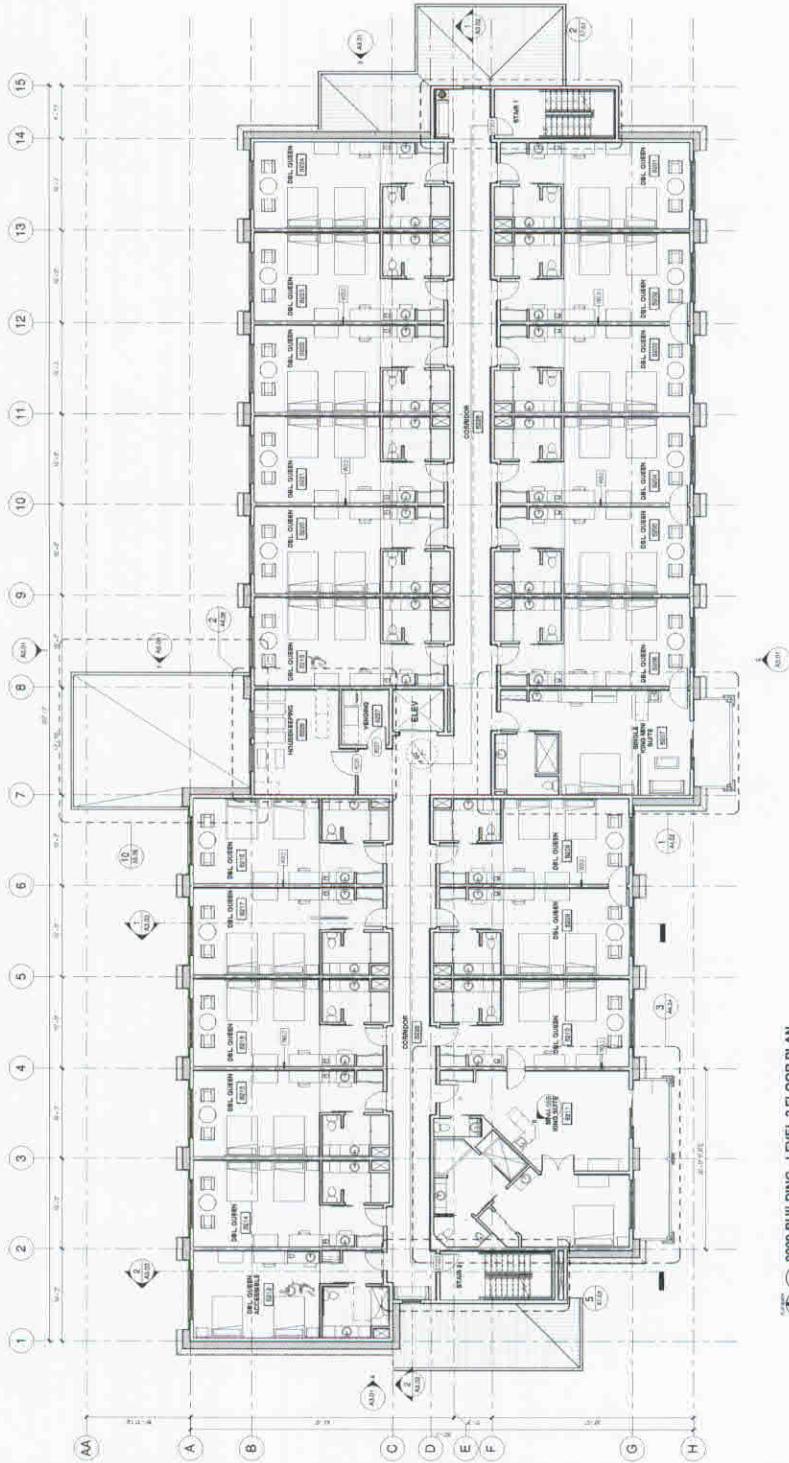
GRAND CANYON SQUIRE INN PHASE 1-A: 8000 BUILDING DESIGN REVIEW APPLICATION

BEST WESTERN PREMIER HOTEL
148 STATE ROUTE 64 TUSAYAN, AZ 86003



| | | | | | | | | |
|--|--|---|--|---|---|---|--|--|
| OWNER / APPLICANT: BEST WESTERN PREM GC SQUIRE INN 148 STATE ROUTE 64 TUSAYAN, AZ 86003 PHONE: 908-888-8888 FAX: 908-888-8888 CONTACT: CHRIS BROWN, GCM | ARCHITECT: STROCKER CATO MURPHY 1000 N. 10TH AVE., SUITE 100 TUSAYAN, AZ 86003 PHONE: 908-888-8888 FAX: 908-888-8888 CONTACT: CHRIS BROWN, GCM | STRUCTURAL ENGINEER: DCI ENGINEERS, INC. 1000 N. 10TH AVE., SUITE 100 TUSAYAN, AZ 86003 PHONE: 908-888-8888 FAX: 908-888-8888 CONTACT: CHRIS BROWN, GCM | MECHANICAL / PLUMBING ENGINEER: SAZAN GROUP 1000 N. 10TH AVE., SUITE 100 TUSAYAN, AZ 86003 PHONE: 908-888-8888 FAX: 908-888-8888 CONTACT: CHRIS BROWN, GCM | ELECTRICAL ENGINEER: SAZAN GROUP 1000 N. 10TH AVE., SUITE 100 TUSAYAN, AZ 86003 PHONE: 908-888-8888 FAX: 908-888-8888 CONTACT: CHRIS BROWN, GCM | CIVIL / SURVEY ENGINEER: THE WLB GROUP 1000 N. 10TH AVE., SUITE 100 TUSAYAN, AZ 86003 PHONE: 908-888-8888 FAX: 908-888-8888 CONTACT: CHRIS BROWN, GCM | LANDSCAPE: THE WLB GROUP 1000 N. 10TH AVE., SUITE 100 TUSAYAN, AZ 86003 PHONE: 908-888-8888 FAX: 908-888-8888 CONTACT: CHRIS BROWN, GCM | INTERIOR DESIGNER: HERRON INTERIORS 1000 N. 10TH AVE., SUITE 100 TUSAYAN, AZ 86003 PHONE: 908-888-8888 FAX: 908-888-8888 CONTACT: CHRIS BROWN, GCM | GEOTECHNICAL ENGINEER: WESTERN TECHNOLOGIES, INC. 1000 N. 10TH AVE., SUITE 100 TUSAYAN, AZ 86003 PHONE: 908-888-8888 FAX: 908-888-8888 CONTACT: CHRIS BROWN, GCM |
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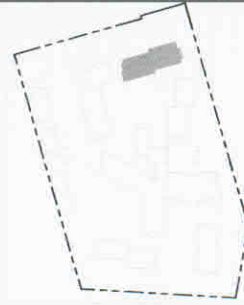




8000 BUILDING - LEVEL 2 FLOOR PLAN

LEGEND

ROOM COUNT:
1 DOUBLE QUEEN ACCESSIBLE
1 SINGLE KING SUITE
1 SINGLE KING MINI SUITE
1 DOUBLE QUEEN ASSISTIVE LISTENING
18 DOUBLE QUEEN
TOTAL: 23 GUEST ROOMS

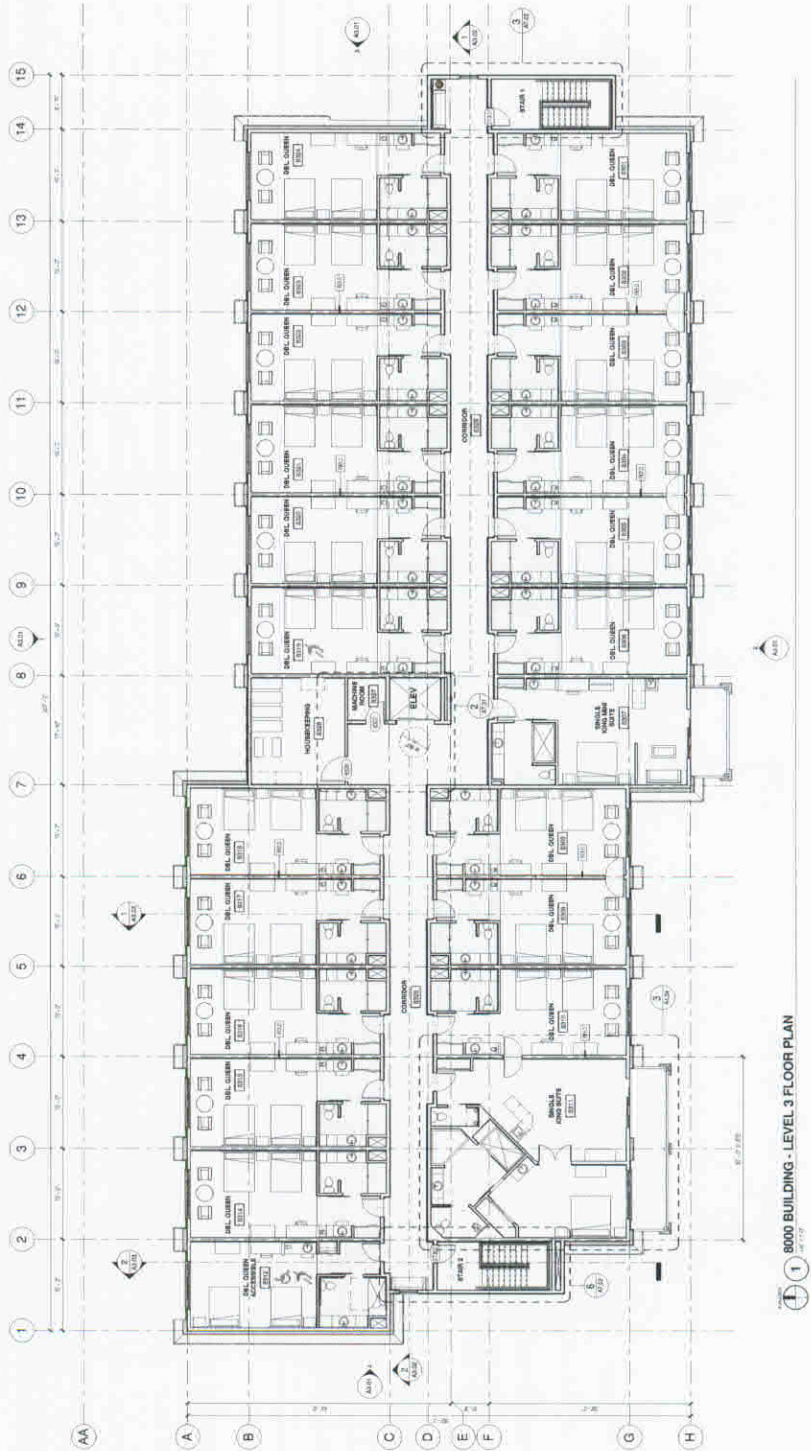


LEGEND

THE FLOOR PER FIN. SCHEDULE

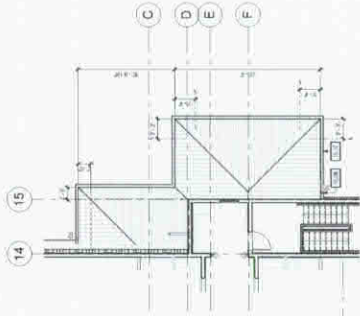
ROOM COUNT:

- 1 DOUBLE QUEEN ACCESSIBLE
- 1 SINGLE KING SUITE
- 1 SINGLE KING MINI SUITE
- 1 DOUBLE QUEEN AGGRESSIVE LISTENING
- 11 DOUBLE QUEEN
- TOTAL: 75 GUEST ROOMS

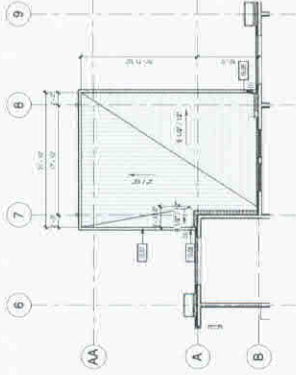


8000 BUILDING - LEVEL 3 FLOOR PLAN

KEYNOTES DESCRIPTION
15.07 46" METAL CUTTER
15.08 4" DIAMETER DOWNSPOUT

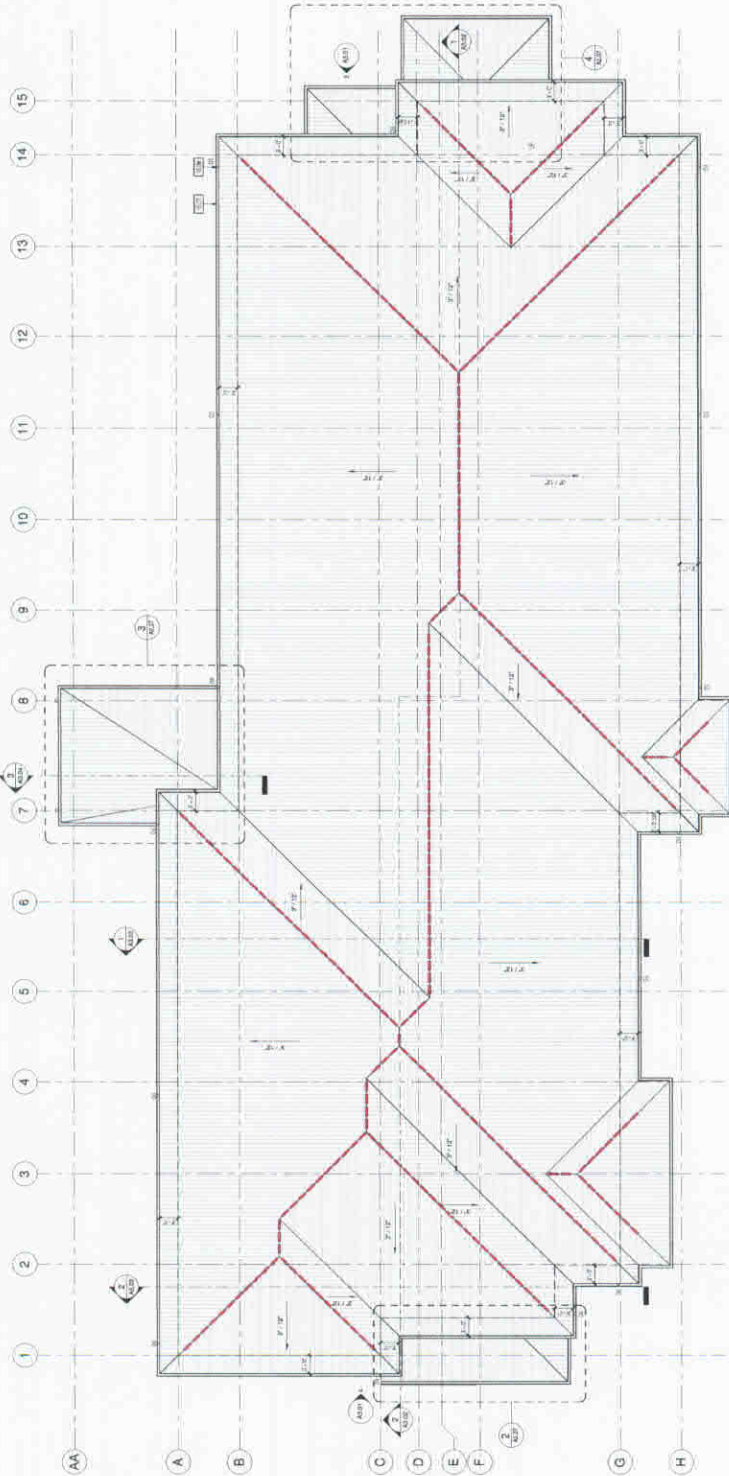


2 8000 BUILDING - WEST ENTRY ROOF PLAN



3 8000 BUILDING - CANOPY ROOF PLAN

4 8000 BUILDING - EAST ENTRY ROOF PLAN



1 8000 BUILDING - ROOF PLAN

LEGEND
STANDING SEAM METAL ROOFING
ROOF VENT
SOFFIT VENT

ROOF VENT CALCULATION (SEE 12.02)
(ATTIC SPACE) - NET FREE AREA REQUIRED
MAIN ROOF VENT SPACE AREA = 10.00 SQ. FT.
TOTAL NET FREE AREA REQUIRED = 54.00 SQ. FT.
TOTAL NET FREE AREA PROVIDED = 8.00 SQ. FT.

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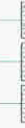
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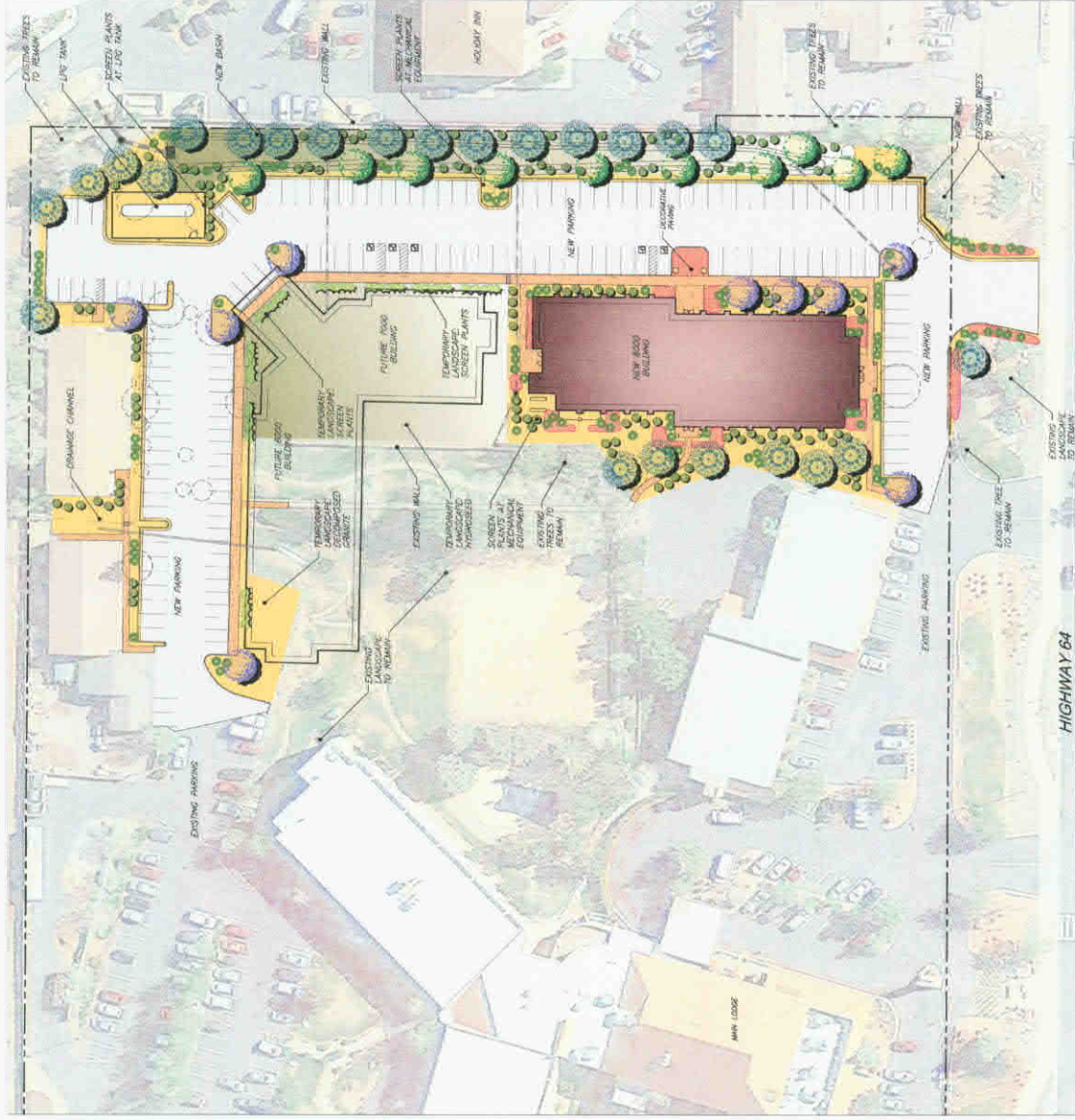
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- A. COPPER PENNY, PAC-CLAD
- B. LINEN SAND, (215-680) BENJAMIN MOORE
- C. LENOX TAN, (HC-44) BENJAMIN MOORE
- D. BAKED CLAY, (035) BENJAMIN MOORE
- E. HASBROUCK BROWN, (HC-71) BENJAMIN MOORE
- F. CLIFFSTONE MESQUITE, EL DORADO



GRAND CANYON SQUIRE INN PHASE 1A - 8000 BUILDING LANDSCAPE CONCEPT PLAN



- NOTES:**
1. ALL PLANTS SHALL BE WATERED BY AN UNDERGROUND, AUTOMATIC Drip IRRIGATION SYSTEM.
 2. PARKING LOT LANDSCAPING: 164 SPACES X 40 SF = 6,560 SF / 124' = 21 PLANT UNITS.
 3. BUTTER AND GREEN LANDSCAPING: EAST (IMP 6A) = EXISTING TO REMAIN NORTH = BUSH LANDSCAPING 2 PLANT UNITS PER EVERY 100 LF PERIMETER X 900 LF = 18 PLANT UNITS.
 4. SITE LANDSCAPING: 1 PLANT UNIT PER 100 LF BUILDING PERIMETER X 556 LF = 6 PLANT UNITS. TO BE LOCATED WITHIN 50 FT. OF BUILDING.

LANDSCAPE LEGEND

EVERGREEN TREES - 70% (MIN. SIZE 15 GALLON)

ABIES CONCOLOR - WHITE FIR
JUNIPERUS SPICULATUS - ROCKY MOUNTAIN JUNIPER
PRUNUS SPINOSA - PRUNUS SPINOSA
RUSUS PONDEROSA - PONDROSA PINE

DECIDUOUS TREES (MIN. SIZE 15 GALLON)

CELTIS OCCIDENTALIS - COMMON NICKERBURY
FRAXINUS VELUTINA - AMERICAN ASH
ASPINIA NEMORALIS - NEW MEXICO LOCUST

PARKING LOT TREES (MIN. SIZE 15 GALLON)

FRAXINUS AMERICANA - AMERICAN WHITEBARK
SILVERA TRIMANTIOSA - SILVERMASTER
NORWAY SPRUCE

EVERGREEN SHRUBS - 30% (MIN. SIZE 5 GALLON)

CHAMAELIRIUM ALLEGIAN - FERN BUSH
PALLISUM PARVIFLORUM - PARVIFLORUM
JUNIPERUS SPINOSA - CREEPING JUNIPER

FRAXINUS AMERICANA - AMERICAN WHITEBARK
SILVERA TRIMANTIOSA - SILVERMASTER
NORWAY SPRUCE

DECIDUOUS SHRUBS (MIN. SIZE 5 GALLON)

AMELANCHIER ALBIFLORA - WHITE FLORAL
CEANOTHUS V. FENDLER - FENDLER'S CEANOTHUS
RIVUS PRUNELLA - PRUNELLA
RIBES CURIANUM - RIBES CURIANUM

COLORFUL GROUND COVER (MIN. SIZE 1 GALLON)

GALLIUM PAVONACEUM - PAVONACEUM
MACHAON REPENS - CREEPING DROSER
POTENTILLA ANEMONIFLORA - ANEMONIFLORA
SALIX NIGRA - MAY NIGHT PURPLE SAGE

TEMPORARY SCREEN HEDGE (MIN. SIZE 15 GALLON)

FORSTNERIA ALBIFLORA - DESERT OLIVE

EXISTING TREES

TO REMAIN - SEE LABELS THIS SHEET
TO BE REMOVED

HYDROSEED

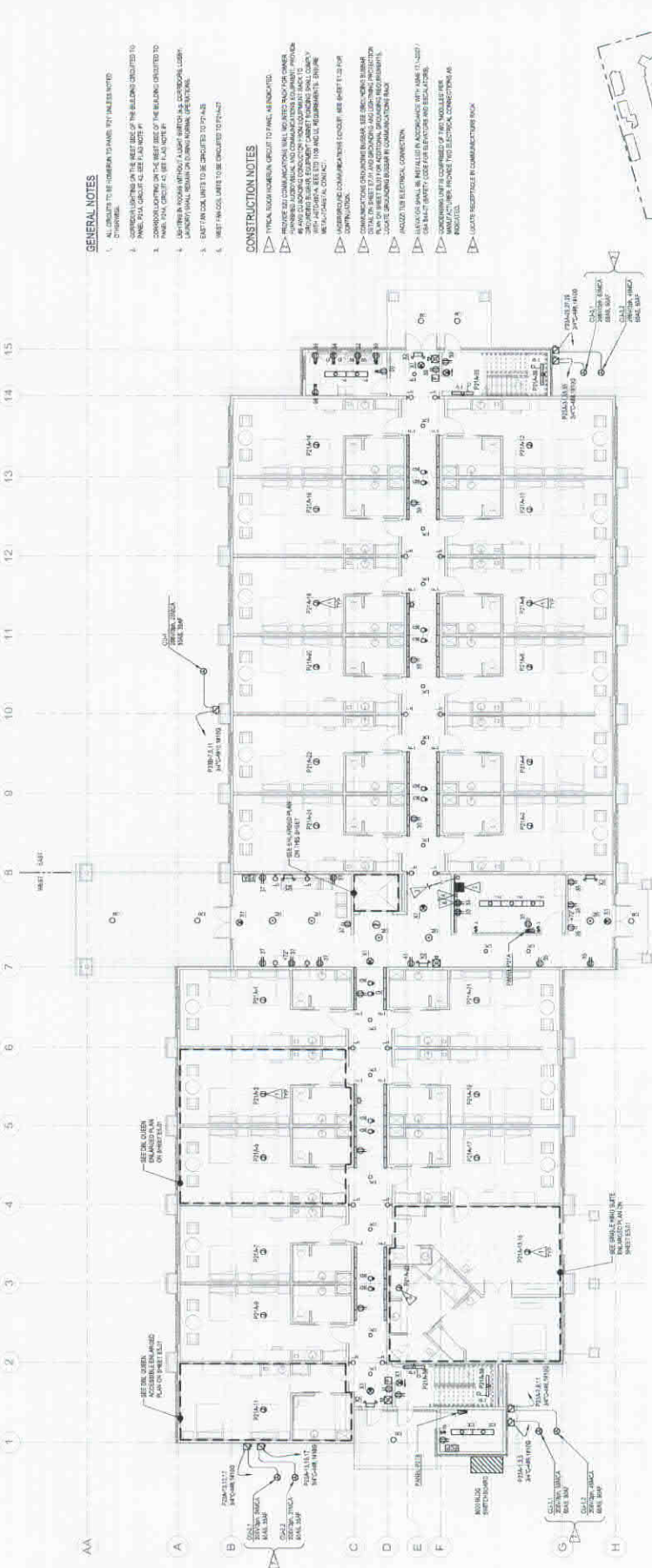
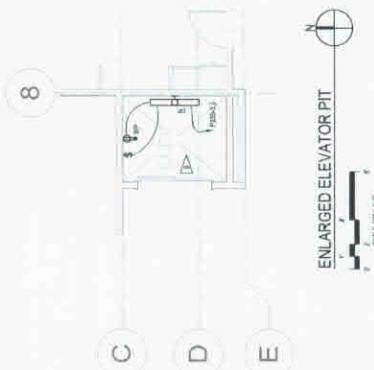
DECOMPOSED GRANITE

LANDSCAPE MULCH

DECOMPOSED GRANITE OR ORGANIC FOREST BARK MULCH



| LUMINAIRE SCHEDULE | | | | | | | | | |
|--------------------|--------------------------|-------------------------------------|-----------|-----------|------------|-----------|----------|--|--|
| ITEM NO. | LUMINAIRE DESCRIPTION | MINIMUM STOCKS BASED ON STANDARD | MOQ/TYPE | UNIT/TYPE | UNIT PRICE | UNIT TYPE | QUANTITY | REMARKS | |
| A | 5' ROUND LED | 100 | RECESSED | 100 | 115 | 115 | 115 | LOCATED IN BUILT ROOM | |
| B | 4' SQUARE LED (RECESSED) | 100 | 5-8-6-6-2 | 100 | 80 | 100 | 100 | LOCATED IN BUILT ROOM | |
| C1 | 4' SQUARE LED | 100 | 5-8-6-6-2 | 100 | 80 | 100 | 100 | LOCATED IN BUILT ROOM | |
| C2 | 4' SQUARE LED | 100 | 5-8-6-6-2 | 100 | 80 | 100 | 100 | LOCATED IN BUILT ROOM | |
| D | 1' (4x20) DOWNLIGHT | 100 | RECESSED | 100 | 100 | 100 | 100 | LOCATED IN BUILT ROOM IN ROOM | |
| E | OUTDOOR LIGHT | 100 | 5-8-6-6-2 | 100 | 10 | 10 | 10 | LOCATED IN BUILT ROOM | |
| F | 4' CAN | 100 | 5-8-6-6-2 | 100 | 50 | 100 | 100 | LOCATED IN COMMON AREA | |
| G | 4' (2x20) LED DOWNLIGHT | 100 | RECESSED | 100 | 10 | 100 | 100 | LOCATED IN COMMON AREA | |
| H | 4' (2x20) LED DOWNLIGHT | 100 | RECESSED | 100 | 52 | 100 | 100 | LOCATED IN COMMON AREA | |
| I | 4' (2x20) LED DOWNLIGHT | 100 | 5-8-6-6-2 | 100 | 80 | 100 | 100 | LOCATED IN BUILT ROOM AND IN COMMON AREA | |
| J | 2' (4x20) LED DOWNLIGHT | 100 | RECESSED | 100 | 35 | 100 | 100 | LOCATED IN COMMON AREA | |
| K | 2' (4x20) LED DOWNLIGHT | 100 | RECESSED | 100 | 35 | 100 | 100 | LOCATED IN COMMON AREA | |
| L | 4' (2x20) LED DOWNLIGHT | 100 | 5-8-6-6-2 | 100 | 80 | 100 | 100 | LOCATED IN COMMON AREA | |
| M | 4' (2x20) LED DOWNLIGHT | 100 | RECESSED | 100 | 30 | 100 | 100 | LOCATED IN COMMON AREA | |
| N | 4' (2x20) LED DOWNLIGHT | 100 | 5-8-6-6-2 | 100 | 80 | 100 | 100 | LOCATED IN COMMON AREA | |
| P | 4' (2x20) LED DOWNLIGHT | 100 | RECESSED | 100 | 30 | 100 | 100 | LOCATED IN COMMON AREA | |
| R | 4' (2x20) LED DOWNLIGHT | 100 | RECESSED | 100 | 30 | 100 | 100 | LOCATED IN COMMON AREA | |
| S | 4' (2x20) LED DOWNLIGHT | 100 | RECESSED | 100 | 30 | 100 | 100 | LOCATED IN COMMON AREA | |
| S1 | 4' (2x20) LED DOWNLIGHT | 100 | RECESSED | 100 | 30 | 100 | 100 | LOCATED IN COMMON AREA | |
| S2 | 4' (2x20) LED DOWNLIGHT | 100 | RECESSED | 100 | 30 | 100 | 100 | LOCATED IN COMMON AREA | |
| X1 | 4' (2x20) LED DOWNLIGHT | 100 | RECESSED | 100 | 30 | 100 | 100 | LOCATED IN COMMON AREA | |
| X2 | 4' (2x20) LED DOWNLIGHT | 100 | RECESSED | 100 | 30 | 100 | 100 | LOCATED IN COMMON AREA | |



ELECTRICAL PLAN - LEVEL 1

PERMIT SET 08-15-2014
8000 BLDG KEY PLAN

E2.01

ITEM NO. 7

PUBLIC PARTICIPATION & PUBLIC HEARINGS

Planning commissions and boards of adjustment have a responsibility to inform and educate their communities on the purpose and benefits of planning, as well as invite public input on planning issues. This chapter focuses on the statutory requirements for public notification and involvement – especially provisions of the Open Meeting Law and Growing Smarter/Plus – and techniques for conducting meetings.

Well-run meetings and open public participation are vital to the ability of the commission or board to make informed and effective decisions. First, more input often leads to better decision-making, since decisions are then based on more information. Second, when the public sees the process through which decisions are made as reasonable and objective, those decisions are more likely to be accepted. Finally, State Statutes establish certain requirements with regard to public notification and input. Not following the law may invalidate a decision.

4.1 THE OPEN MEETING LAW

The operation of government and the activities of government officials are often topics of interest to the public. Generally speaking, there seems to be a distinct message delivered by the public:

**The public's business must
be conducted in public!**

Arizona's Open Meeting Law [A.R.S. § 35-5431] provides very simply that, with a few limited exceptions, all meetings of a public body shall be open to all persons desiring to attend.

The law defines a meeting as "the gathering of a quorum of members of a public body to propose or take legal action, including any deliberations with respect to such action." This means that all meetings or gatherings at which a quorum of the public body is present to discuss or decide public business must comply with the notice, agenda and minute requirements specified in the law and, except where an executive session is expressly authorized, be open to the public. Meetings of less than a quorum that are perceived to be an attempt to get around this provision are also violations of the Open Meeting Law. The law requires that any doubts on correct procedure be resolved in favor of openness.

General Provisions ■ The Open Meeting Law applies to more than just the meetings of the Legislature, the boards of supervisors, and city or town councils. It applies to any "public body." If the public body or its presiding officer appoints a committee or subcommittee to study a particular issue, the law also governs the meetings of the committee or subcommittee, regardless of the composition of the group. This means that planning and zoning commissions, boards of adjustment, library boards, school boards, special district boards, and any standing, special, and

advisory committees or subcommittees to these groups, must all comply.

Sanctions ■ If any business of a public body is conducted in violation of the provisions of the Open Meeting Law, the actions taken at such a meeting are null and void. In addition, any person affected, the Attorney General, or the county attorney may file an action and obtain civil penalties, attorneys' fees and court injunctions against the public body or individual who violated the law. The court may remove that person or those persons from office and personally assess them with the attorneys' fee award.

Ratification ■ A public body may ratify legal action previously taken in violation of the law. Ratification is appropriate when the public body needs to validate a prior act in order to preserve the earlier effective date of the action. For example, some public bodies are required by law to approve their budgets by a certain date. If the public body discovered after the statutory deadline that its earlier approval was void due to a violation of the Open Meeting Law, it could face serious legal problems. In this situation, it would be appropriate for the public body to meet and ratify its prior action in order to preserve the initial effective date of the action. Ratification merely validates the prior action; it does not eliminate liability of the public body or others for injunctive relief, penalties and fees. The procedure for ratification is prescribed in A.R.S. § 38-431.05(B).

4.1.1 Public Notice Requirements

The Open Meeting Law requires that public notice be given for all public meetings and executive sessions. In giving notice, the first step is to file a statement with the municipal or county clerk identifying where public notices of the meetings of the public body will be posted. Once this statement has been filed, the law requires that the public body post notice each of its meetings

in accordance with this statement and "give such additional notice as is reasonable and practicable." The notice must be posted at least twenty-four hours before the meeting, and must include the time, date, and place of the meeting.

Any public body that intends to meet for a specified calendar period on a regular day or date and at a regular place and time may post public notice of these meetings at the beginning of this period of time. For example, a notice of regularly scheduled meetings of a city council may be posted once at the proper location to cover all regular meetings taking place during a specified period of time. The notice must indicate the period of time for which the notice will be valid.

Notice for Meeting Resumption ■ Except when an actual emergency is found to exist, no public meeting or executive session may be held with less than twenty-four hours notice to the members of the public body and the general public. However, a meeting may be recessed and resumed with less than twenty-four hours notice if public notice of the initial session of the meeting was properly given; and if, prior to recessing, notice is publicly given as to the time and place of the resumption of the meeting, or the method by which public notice for the resumption of the meeting is to be given.

The only exception to these provisions for public notice is in the case of an emergency when a meeting can be called with notice appropriate under the circumstances.

4.1.2 The Meeting Agenda

The Open Meeting Law requires that the public body provide an agenda of the specific matters to be discussed, considered or decided at a public meeting. This does not permit the use of agenda items such as "new business" or "old business" unless the specific items of new and old business are listed. The agenda should "contain such information as is reasonably necessary to inform

the public of the matters to be discussed or decided." In addition, public bodies may include a "call to the public" in their agendas to designate a part of the meeting during which members of the public may address the public body on any issue. However, it should be noted that the public body should not discuss or take action on the issues raised during the call to public, but may decide to place the issue on a future agenda for discussion or action. If it is essential that the body act immediately, it should declare an emergency and take action in accordance with the emergency procedure prescribed in A.R.S. § 38-431.02.

The agenda may be included as part of the public notice, or if the notice advises the public as to how they can obtain an agenda, it can be distributed separately from the notice. In either case, the agenda must be made available at least twenty-four hours before the meeting, unless an actual emergency is found to exist.

Preparing the Agenda ■ The agenda for any single meeting should not be overloaded. If necessary, schedule an occasional extra meeting to clear any backlog of items that need to be considered. This is better than holding a marathon meeting to tackle a long list of items. Prior to regular meetings, boards and commissions may opt to hold study sessions with staff present to review complex cases and familiarize themselves with the case materials. Study sessions are useful because they provide an informal setting for commission members to discuss and ask questions, and also provide the public or potential applicants the opportunity to learn commission's concerns and philosophy prior to a formal hearing.

Schedule topics on the agenda to avoid inconvenience or delays to the public, and follow the agenda. Unopposed and noncontroversial items should be addressed first, allowing the people connected with them to leave early on. This practice will also help move things along expeditiously on the agenda.

Consent and Action Items ■ Many commissions find that dividing the agenda into two parts, consent and action items, helps speed the meeting along. Items listed under consent are usually decisions for which there is no controversy, consensus has been reached, no new information is available, and the case already has been reviewed by the commission in detail. The consent items are read at the public meeting. Before a motion is made and note is taken, the chair asks if any commissioner or member of the public would like any of the items removed from the consent agenda in order to hear discussion of the item. If no one objects, then a motion to approve the consent agenda is made and the vote taken. If any item is removed, it is put on the regular agenda. The commission can then move on to action items.

For each action item, staff should present the facts of the case and staff recommendations. Board members and commissioners should ask any questions of staff not addressed in any pre-meeting study session before turning to the applicants to present their case. Finally, board members and commissioners may ask brief, pertinent questions of the applicants. This should be an opportunity to gather new information to aid in decision-making.

4.1.3 Executive Sessions

The Open Meeting Law permits public bodies to hold an executive session – a closed meeting from which the public may be excluded – for discussion and consideration of particular subjects. The law specifies the seven purposes for which an executive session may be called. These are:

- 1 | Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resigning of a public officer, appointee or employee of any public body (with the exception of salary discussions in which an

officer, appointee or employee may demand that such discussion or consideration occur at a public meeting). The public body must provide the officer, appointee or employee with such notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether such discussion or consideration should occur at a public meeting.

- 2 | Discussion or consideration of records exempt by law from public inspection.
- 3 | Discussion or consultation for legal advice with the attorney(s) of the public body.
- 4 | Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorney(s) regarding the public body's position in pending or contemplated litigation.
- 5 | Discussion or consultation with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations with employee organizations regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the public body.
- 6 | Discussion, consultation or consideration for international and interstate negotiations.
- 7 | Discussion or consultation with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiation for the purchase or lease of real property.

The law only permits an executive session in these instances; it does not require an executive session. Planning commissions and boards of adjustment

should establish, with the assistance of their local attorney, a clear procedure to use when holding an executive session.

Public Notice of Executive Session ■ Before an executive session may be held, twenty-four hours notice of the executive session must be given, and a majority of the public body must vote in public to hold the executive session. For example, if the need for an executive session arises during the course of a regular meeting, the public body may vote to hold the session. However, the executive session cannot be held at that time, unless at least twenty-four hours notice has previously been given. The notice must cite A.R.S. § 38-431.02, the specific provision of law authorizing an executive session.

Executive sessions may be held during a public meeting if the proper notice of the executive session is posted as part of the public meeting notice or as a separate notice. If the need for an executive session arises at a time other than during a meeting, a notice calling a special meeting and an executive session must be posted. The special meeting must be convened to vote on holding an executive session, and then upon a majority vote in a public meeting, the public body may adjourn into executive session.

The Agenda for Executive Session ■ Agendas for executive sessions must contain a "general description of the matters to be considered" but should not contain information that "would defeat the purpose of the executive session."

No executive session may be held for the purpose of taking any legal action involving a final vote or decision.

4.1.4 Meeting Records

All public bodies, including subcommittees and advisory committees, must provide written minutes or a recording of all meetings. The minutes or recording of all public meetings must include, at a minimum, the following:

- 1 | The date, time and place of the meeting.
- 2 | The members of the public body recorded as either present or absent.
- 3 | A general description of the matters discussed or considered.
- 4 | An accurate description of all legal actions proposed, discussed or taken, the names of members proposing motions, and each member's vote.
- 5 | The names of persons, as given, making statements or presenting material to the public body and a reference to the specific legal action addressed by the person.
- 6 | If the discussion in the public session does not adequately disclose the subject matter and specifics of the action taken, the minutes of the public meeting at which such action was taken should contain sufficient information so that the public may investigate further the background or specific facts of the decision.
- 7 | In the event that matters not on the agenda were discussed or decided at a meeting because of an actual emergency, the minutes must contain a statement setting forth the reasons necessitating the discussion, consideration or decision without the matter being placed on the agenda.
- 8 | Finally, if a prior act is ratified, the minutes must contain a copy of the disclosure statement required for ratification.

In addition to written or recorded minutes of the meeting, the law provides that any part of a public meeting can be recorded by any person in attendance by means of a tape recorder, camera or other means of sonic reproduction as long as there is no significant interference with the conduct of the meeting.

Minutes of Executive Sessions ■ The minutes or a recording of any meeting, except for the minutes of executive sessions, must be open to public inspection no later than three working days after the meeting. Minutes must be taken in executive sessions and must be kept confidential except from the members of the public body that met in executive session or officers, appointees or employees who are the subject of discussions. The minutes of executive sessions must contain the information described in paragraphs 1, 2, 3 and 7 above. If the public body wishes to exclude all staff from attending the executive session, then a member of the public body should record the minutes.

A 1983 amendment to the Open Meeting Law allows the Attorney General or the county attorney access to the executive session minutes under certain circumstances. First a written complaint must be submitted alleging a violation of the law as it relates to executive sessions. Secondly, the Attorney General or the county attorney must issue an investigative request for the minutes of the executive session. Upon receipt of the request by the public body, including a city or town, the public body may comply with the request or, upon a majority vote, apply to a superior court in the county for a protective order directing that the minutes of the executive session not be disclosed.

The court then determines whether or not the minutes of the executive session are relevant to the complaint and can order them released if "justice so requires." At the public body's option, it may also disclose the minutes to the attorney general or the County Attorney.

4.2 PUBLIC PARTICIPATION REQUIREMENTS IN PLANNING & ZONING

4.2.1 General and Comprehensive Plans

The Growing Smarter and Growing Smarter Plus legislation was passed in 1998 and 2000, respectively, and included provisions related to public participation in the planning process. Legislation was passed in 2002 (House Bill 2601) that clarified some aspects of the mandates. Public participation procedures that are currently required by State Statutes to accompany general or comprehensive plan development, or the consideration of major amendments to the plan, are summarized below. For more information on the planning process or coordination with other agencies, please refer to Chapters 6 (for municipalities) and 7 (for counties).

Adoption of Written Procedures ■ The statutes require that the governing body adopt written public involvement procedures that will "provide effective, early, and continuous public participation in the development and major amendment of general plans from all geographic, ethnic, and economic areas." It is suggested the adoption of a public participation plan be one of the first steps taken by a community or county as it embarks on the development or update of a plan. The statutes specify that these procedures address:

- ▶ The broad dissemination of proposals and alternatives
- ▶ The opportunity for written comments
- ▶ Public hearings after effective notice
- ▶ Open discussions, communications programs and information services
- ▶ Consideration of public comments

Adoption of the Plan Document or Major Amendment

■ The planning commission, if one exists, must hold a public hearing to discuss the draft plan or amendment to the plan in accordance with the meeting and noticing requirements in State Statutes [see A.R.S. § 9-461.06(D) and (G) for municipalities and A.R.S. § 11-823(B) for counties]. If the municipality's population is larger than 25,000, two or more hearings must be held in different locations throughout the community. Once a recommendation on the plan is transmitted to the legislative body of the municipality or county, another hearing must be held prior to legislative action. If a motion to adopt or readopt a plan or major amendment fails to pass, the motion may be reconsidered in any manner allowable under the governing body's rules of procedure, but any subsequent motion must be approved by an affirmative vote of at least two-thirds of the governing body. Many municipalities will be subject to the ratification requirement before a proposed general plan is put into effect.

If a county fails to adopt or readopt the comprehensive plan, the current plan will remain in effect until a new plan is adopted. The board of supervisors must either reconsider the proposed plan or consider a revised plan within one year, and continue this process until one is adopted.

Major amendments should be defined in each plan, and are subject to different adoption requirements than minor amendments. Major amendments may be heard only once per calendar year at a single hearing, and application must occur in the same calendar year as a proposal is made [see A.R.S. § 9-461.06 (G)]. To approve the adoption or readoption of a major amendment, at least two-thirds of the governing body must vote affirmatively for approval.

Ratification ■ Upon adoption of the plan by the governing body, the plan must be ratified by a public vote before it can become effective. This

applies to jurisdictions that meet either of the following two conditions.

- A population of 2,500 or more with an annual growth rate averaging 2% or more for the 10 year period of the most recent census, or
- A population of 10,000 or more.

The vote for ratification should occur at the next regularly scheduled general election or at a special election scheduled at least 120 days after the adoption of the plan, pursuant to A.R.S. § 16-204. The governing body shall include a description of the general plan and its elements in the election pamphlet and the plan shall be made available at two locations that are easily accessible to the public. The general plan may also be made available on the municipal website.

If the plan fails to be approved by the majority of voters in the election, the current plan will remain in effect until a new plan is ratified by means of the process described above. This can occur either at the next regularly scheduled general election or at a special election scheduled at least 120 days after the governing body has readopted the new or a revised new plan.

4.2.2 Notice for Zoning Hearings

The state requirements for most zoning hearings are lengthier with more elaborate notification procedures, in comparison to other meeting requirements. The citizen review process and all notification and hearing requirements apply to a zoning ordinance that changes any property from one zone to another, imposes any regulation not previously imposed on a property, or removes or modifies any regulation previously imposed.

Citizen Review Process for Rezonings ■ State Statutes require that the governing body adopt a citizen review process for rezonings by ordinance [A.R.S. §§ 9-462.03(A) and 11-829(B)]. This

process would then apply to all rezoning and specific plan applications that require a public hearing. The citizen review process should include procedures to address the following:

Notification will be provided to adjacent landowners and potentially affected citizens of the application.

The municipality will inform adjacent landowners and potentially affected citizens of the substance of the proposed rezoning.

Adjacent landowners and other potentially affected citizens will be provided an opportunity to express any issue or concerns with the proposed rezoning before the public hearing.

Please note that the statutes already include fairly specific requirements for notification, as summarized below.

Municipal Notice Provisions ■ In 1988, the State Legislature amended A.R.S. § 9-462.04 requiring additional notice for municipal zoning ordinance changes. Notice for a rezoning hearing must include 1) the time and place of the public hearing, 2) a general explanation of the matter to be considered, and 3) a description of the area affected. Notice shall be given at least fifteen days prior to the hearing by the following means:

- Publication at least once in a newspaper published or circulated in the municipality,
- If there is no newspaper fitting this description, the notice must be posted on the affected property and in at least 10 public places in the municipality. All posted notices must be printed so that the following information is visible from a distance of 100 feet:
 - the word "zoning"

- the present zoning district classification
- the proposed zoning district classification
- the date and time of the hearing

- If the proposed rezoning involves land that abuts other municipalities or unincorporated areas of the county or a portion thereof, copies of the notice for the public hearing should be transmitted to the planning agency of the abutting jurisdiction(s).
- If the rezoning is not initiated by the property owner, notice must be sent by first class mail to each real property owner of the area to be rezoned, as shown on the last assessment of the property, and to all property owners within 300 feet of the property to be rezoned.
- If the rezoning involves land that is within the territory in the vicinity of a military airport as defined in A.R.S. § 28-8461, then the municipality must send copies of the notice for the public hearing by first class mail to the military airport (1995 amendment).

Some rezoning proceedings are subject to additional requirements (note that these criteria and requirements also apply to counties), if the following changes are proposed:

- A ten percent or more increase or decrease in the number of square feet or units that may be developed
- A ten percent or more increase or reduction in the allowable height of buildings
- An increase or reduction in the allowable number of stories of buildings
- A ten percent or more increase or decrease in setback or open space requirements
- An increase or reduction in permitted uses

If these criteria are met, then the municipality must provide notice to the real property owners pursuant to at least one of the following notification procedures:

- ▶ First class mail to each real property owner whose property is directly governed by the changes.
- ▶ Notice may be included with utility bills or other mass mailings to each property owner directly involved in the changes.
- ▶ Prior to the first hearing on proposed changes, the municipality may publish such changes in a newspaper of general circulation. The changes should be published in a "display ad" covering not less than one-eighth of a full page.

If notice is provided via one of the last two methods described above, the municipality should also send notice by first class mail to persons who register their names and addresses with the city as being interested in receiving such notices. A municipality or county may charge a fee not to exceed five dollars a year for providing this service and may adopt procedures to implement this provision.

If the municipality's planning commission (or hearing officer) has held a public hearing on the proposed changes, the governing body may adopt the recommendations of the hearing body without holding a second public hearing if there is no objection, request for public hearing, or other protest. Please note that the meeting to adopt the proposed changes must still conform to Open Meeting Law requirements.

County Notice Provisions ■ Any applicant petitioning for changes or amendments to the county zoning regulations changing the zoning district boundaries within an area previously zoned must file an application with the county. Upon receipt of the application, the board of supervisors must submit it to the commission for a report.

Prior to reporting to the board, the planning commission shall hold at least one public hearing after giving at least fifteen days notice in a newspaper of general circulation in the county seat and by posting in the area of the proposed change. In the case of a rezoning, the posting must be in no less than two places with a least one notice for each quarter mile of frontage along perimeter public rights-of-way. The notices should be visible from the nearest public right-of-way. The commission shall also send notice by first class mail to 1) each real property owner within 300 feet of the proposed change, and 2) county and municipality who is contiguous to the area of the amendment or change. If the commission initiated the proposed change, then notice must be sent via first class mail to each real property owner of land whose property would be governed by the proposed change as well.

The notice referenced above must include the following information:

- 1] The date, time, and place of the public hearing
- 2] A general explanation of the matter to be considered
- 3] A general description of the area of the proposed amendment or change
- 4] How the real property owners within the zoning area may file approvals or protests to the proposed rezoning
- 5] Notification that if 20% of the property owners (by area and number) within the zoning area file protests, then an affirmative vote of at least three-fourths of all members of the board of supervisors would be required to approve the rezoning

Q.R.S.
11-829.3C

Some rezoning proceedings are subject to additional requirements, similarly to municipalities. The same criteria and

requirements apply to counties and municipalities.

The county board of supervisors may adopt the amendment after holding a public hearing. If the planning commission or hearing officer has held a public hearing, the board may adopt the commission's recommendations through use of a consent calendar without holding a second hearing if there is no objection, request for a public hearing, or other protest. The board then may adopt the amendment after the hearing; however, if 20% of the owners of the property within the zoning area (by area and number ²⁶) file a protest to the proposed change, approval of the change would require affirmative votes from at least three-fourths of the board members.

4.3 SUCCESSFUL PUBLIC MEETINGS

Planning commissions and boards of adjustment spend the majority of their working time in public meetings. The community's impression of the commission or board depends largely on their conduct and professionalism. Following are tips for conducting a successful public meeting:

- ▶ Keep the meeting on track. The chair plays a very important role in ensuring that the meeting is conducted smoothly and that the agenda is adhered to. The commission or board should have a set meeting procedure to follow.
- ▶ Keep the meeting under control. Do not allow members of the public to clap, cheer, whistle, etc.; the chair should "gavel down" this kind of behavior. The chair should prevent

²⁶ In calculating the owners by area, only that portion of the lot or parcel of record that is within 300 feet of the property to be rezoned shall be included. In calculating the owners by number or area, county property and public rights-of-way should not be included [A.R.S. § 11-829 (D)].

commissioners or members of the board from accusing or overtly challenging each other, staff, members of the public, or persons testifying.

- ▶ Commissioners or members of the board should never bring up the pros and cons of an agenda item before all testimony and evidence have been presented. Then the discussion should focus on the facts presented, not on the presenters.
- ▶ All applicants and members of the public providing testimony should be afforded the same courtesy, attention, and time before the commission or the board. Communication should be formal; joking and use of nicknames may be considered disrespectful.
- ▶ The commission or the board should avoid becoming bogged down in petty details or endless requests for additional data just to avoid decision-making. The chair should move the meeting along by summarizing the facts and the positions presented by commission or board members, and bringing matters to a vote.
- ▶ If absolutely necessary, the commission or the board may postpone making a decision until after an especially heated hearing, thereby allowing clearer thinking to prevail.
- ▶ If the meeting gets out of control and it is necessary to stop proceedings, the agenda item under discussion may be continued to a specified date and time.
- ▶ When in doubt as to how to proceed, the commission or the board should seek an opinion from their attorney.

Making Decisions ■ All formal actions (voting) taken by the commission or board are initiated by motion. For example, a commissioner might say, "I move that the commission recommend the rezoning of the subject property from R1-6 single family residential to R2 multi-family resident." Stating a motion places a matter before the commission or board for its consideration and permits debate to take place. Amendments to the main motion are always voted on before voting on the main motion itself. Discussion must be pertinent to the motion that is under consideration. Following discussion on the motion or during a roll call vote, members should give their reasons for supporting or not supporting the motion as stated.

If the commission or board is lacking enough information to make a decision on an application, they should request that the applicant provide them with aerial or topographic maps of the area, surveys, engineering studies, reports or whatever is needed to make an informed decision. The commission or board has a right to reasonable requests for information; however, the additional time and expense to the applicant should be considered.

A short statement explaining the commission's or board's vote provides the applicant, the public, and the elected body with the reason for an action. For example, a commissioner may say: "I'm voting against this proposal because it clearly conflicts with our general plan, and the evidence presented does not provide sufficient justification to amend the general plan". This will be important to support the commission's or board's position if a decision is appealed.

Public Hearing Protocol ■ Public hearings must be opened with a motion. When all testimony has been heard, the hearing must be closed with a motion, and the meeting resumed.

A typical hearing process includes the following steps:

- 1 | Call to Order by Chair - If a study session is held, the board members review agenda items. The chair closes the study session, typically takes a 5-minute break, then calls to order the regular meeting. Chair can review the format of the hearing and lay the ground rules for those in attendance at this time.
- 2 | Quorum - Chair notes if a quorum is present
- 3 | Call to Public or Communication from Citizens - Board hears comments from the public. Discussion does not occur on items raised. However, a board or commission member may make a motion to place an item on a future agenda for discussion, so that the item may be properly noticed.
- 4 | Consent Calendar - Typically items for action by motion with minimal discussion. For example, a consent item may be to review, amend, edit, or revise minutes from the last meeting. Projects may be placed on the consent calendar that have been deliberated in detail at previous meetings. A motion to accept the consent calendar is given, seconded, and the board votes. Chair verbalizes the outcome of the vote for the record.
- 5 | Public Hearings - Each agenda item is taken through steps (a) to (g):
 - a) Staff reviews project - Board may ask questions through the chair. At this time, the chair may declare time limits for presentations by applicant and those speaking in favor or opposing the project.
 - b) Applicant presents evidence - Staff or board may ask questions through the chair.

- c) Chair opens the public hearing - Chair asks if any members of the public wish to speak.
 - d) Rebuttal - Chair asks the applicant if he wishes to respond to any of the public's comments.
 - e) Chair may ask board members for comments or questions.
 - f) Chair asks if there are any more public comments and, if there are none, closes the public meeting.
 - g) Chair asks the board for discussion, then a motion - Board members may discuss all information at hand, review stipulations, consider additional conditions, and/or consider continuance. A board member (in most communities it is someone other than the chair) makes a motion to grant, grant with stipulations, deny, or continue the proposal. After a board member (typically, someone other than the chair) seconds the motion, the board may discuss the motion, and make amendments if desired. The chair restates the contents of the motion (if needed) and a vote is taken. The result of the vote is announced.
 - h) All items in Step 4 are repeated for each case on the agenda.
- 6 | **Announcements** - Staff or board may announce information, request a concern be passed on to council, request information, etc.
- 7 | **Adjournment** - Meeting can end by vote or general consent.

Note: Some communities hold a worksession immediately prior to the hearing. The worksession is noted on the agenda and announcement that is posted. The applicant and public can attend the worksession; however, any and all communication with the board/commission/council is reserved for the public hearing.

The purpose of public hearings is to help answer the following questions:

Were the issues clearly defined and fully addressed?



Did the evidence provide sufficient information to reach a decision?

How does the proposal match the goals and objectives of the general or comprehensive plan? Did the testimony provide sufficient reason for deviating from the plan?

Before the commission or board votes on the case the chair may allow anyone in the audience wishing to speak to the issue the opportunity to do so. Sign in sheets outlining meeting protocol and the order of agenda items should be available to those wishing to speak. The form should ask for the speaker's name, address, and position on the particular issue they will be addressing (in support of, or opposed to, the item). A time limit should be set for those wishing to speak (3 or 5 minutes maximum per person). Speakers representing a group may be allowed more time than individuals. The form may also allow for the submittal of written comments, so that people not comfortable public speaking still have opportunity to provide comments (instead the chair or commission secretary could read the comments into the record). The meeting procedure should be outlined in the commission's and board's bylaws.

Before speaking to the issue the speaker should state their full name and address for the record. Individuals holding the floor should be allowed to direct relevant questions through the chair to anyone they wish if the response will provide information that will be of assistance to the commission or board in reaching a decision. If

expert witnesses (planners, real estate appraisers, traffic engineers, etc.) testify, the commission or board should attempt to make certain the evidence presented is unbiased. Although cross-examination of witnesses is usually not appropriate, especially in the less formal format of planning commission hearings, it may be appropriate and advisable to question witnesses in the quasi-judicial setting of a board of adjustment hearing.

Rebuttals should be allowed only if the speakers present new and relevant information for the commission's or board's benefit. The chair should not allow anyone to filibuster, harangue the audience, engage in personal insults or exchanges, or read long documents like the names on a petition (instead, the petition may be entered into the record).

4.4 COMMUNITY INVOLVEMENT TECHNIQUES

The commission's most significant tool for successful public interaction is communication with community members. The commission should select one of its most articulate members, preferably the chair, as spokesperson, to represent and speak for the commission regarding its decisions. The spokesperson should also be accessible to reporters and have the authority to prepare news releases with staff and commission. The city or county planning director and staff, who have public presentation skills, may also aid the community's planning and public information goals by speaking to organizations, writing clear, lucid reports, and providing accurate information to the media.

Commissioners should be sensitive to public opinion and concerns regarding development-related issues. Public hearings do not necessarily provide an accurate gauge of public sentiment. For broad efforts such as the development of an ordinance or the general or comprehensive plan,

individual meetings with people representing special interests such as homeowners associations, parent-teacher organizations, the chamber of commerce, and civic groups can provide an excellent opportunity to exchange ideas, discover their wishes and concerns for the community's future, and gain support and understanding of the commission's goals and purpose. Public participation in formulating goals and policy is one of the purest forms of democracy.

Citizen Committees ■ Citizen planning committees may be appointed by the planning commission, the city or town council, or the board of supervisors to augment and assist with special projects such as the development of the general or comprehensive plan, specific plans, redevelopment plans, or the preparation of an ordinance. These committees identify the issues, study information prepared by staff, make findings, and develop policy recommendations for submittal to the elected officials through the commission. Citizen planning committees are different from council or board appointed standing committees that answer directly to the elected body.

To avoid the duplication of efforts by special committees or boards, and to ensure coordination with the staff and commissioners, the following steps should be taken:

- 1 | Establish a close working relationship between the appointing body, the staff, and the citizen committee. Make each group's role and responsibilities completely clear from the outset. Depending on the purpose of the committee, it might improve communication to have at least one board or council member appointed to serve on the committee as a liaison between the groups.
- 2 | The committee should present its findings and recommendations to the appointing body, which should review and comment

before passing it on to the elected body if necessary.

- 3] The committee should serve for the project duration and, upon completion of its mission, members should be thanked, and the committee promptly disbanded.

Other Techniques ■ There are numerous other methods for facilitating community education and involvement in the planning process. These include public meetings or open houses, community newsletters, or community surveys. Some communities will also conduct focus groups and interviews to interact either one-on-one or in small groups to discuss an issue intensively and openly. Visioning workshops are often an early step in the general or comprehensive plan process, and are a forum for brainstorming a vision for the future of the community. The goals and policies in the plan emanate from the broad, overall vision statement developed by community members in this setting.

A more detailed discussion of community involvement techniques and tools is outside the scope of this Handbook. The Community Planning Office can provide expertise and maintains a library that houses a growing body of literature on the subject. Please call 602-771-1191 if you are interested in more information.

ROLE OF PUBLIC OFFICIALS

**Planning Commission, Board of Adjustment, Council, Board of Supervisors,
Economic Development Commission, and Design Review Board**

City and town councils and county boards of supervisors exert great influence over the planning and zoning process. They are the legislative body for the jurisdiction and, as such, make the final decisions on many planning and planning-related issues. However, other public bodies, including the planning and zoning commissions, boards of adjustment, design review boards, economic development commissions, historic preservation boards, and many other appointed committees also have a tremendous impact on the quality of their respective towns, cities, or counties. These entities are charged with interpreting information and making specific decisions or recommendations that can greatly affect the planning process.

A successful board or commission will have dedicated members who work well together, as well as with local officials, other public bodies, and the general public. While much of the information of this chapter is written with planning commission and board of adjustment members in mind, the advice on communication, effective teams, and proper codes of conduct are applicable to other public bodies as well.

5.1 ROLE OF PLANNING COMMISSION

The job of the planning and zoning commissioner is comprehensive. Commissioners participate in the planning process for the immediate needs and future growth of the community. The duties range from being an advisor on long range planning projects to evaluating the impacts of a site plan for development to begin in less than a year. Some of the qualities that an effective commissioner should possess include:

- ✓ Civic-mindedness
- ✓ An interest in bettering one's community
- ✓ An interest in planning and development
- ✓ An open mind and objectivity
- ✓ A team player
- ✓ The ability to express oneself clearly and concisely in public
- ✓ Enough "free" time to prepare for meetings
- ✓ Have few potential conflicts of interest

As a commission, key skills for the group to possess include the ability to:

► **Identify the fundamental issues and any underlying motives:**

It's vital to know beforehand what it is you have to decide. Your planning staff should give you guidance on what the main issues are on any matter and the options before you in making a decision.

► **Condense and analyze written and oral information, and recommend actions or policies based on findings of fact:**

Recommendations should rely on adopted plans and policies that represent community values, rather than personal opinions.

► **Examine issues with regard to their long-term impact on the community:**

Despite an apparent short-term need, a good analysis should balance such requests against longer-term desires, needs, and impacts.

5.1.1 Legal Authority

Municipal Commissions ■ A.R.S. § 9-461.02 provides the authority for a municipality to create a planning and zoning commission that must have at least five members. A local ordinance determines the organization, number of members, terms, and method of approval or removal for its commission.

County Commissions ■ The authority for counties to create a planning and zoning commission is provided in A.R.S. § 11-803. The number of supervisorial districts in the county determines the required number of commission members. The State Statutes require that terms shall be for four years, except for new commissions, on which terms may be staggered to allow for more continuity as the group is established.

5.1.2 Responsibilities

Within the broad charge of assisting local elected officials in the decision-making process, the exact functions of the commission will vary from one community or county to another. The planning commission's role depends in part on the planning staff, budget, the experience and activities of elected officials; the community's planning policy; and the level of activity with which the commission is comfortable. The commission may:

► **Assist in the preparation of the general plan.**

In small communities with little or no staff, the commission may be responsible for

developing the plan. In all cases, however, commissions will advise and involve elected officials and the public in the development of community planning goals, policies, and programs.

- ▮ **Assist in the preparation of development tools** such as the zoning code, subdivision ordinance, sign code, landscape ordinance, design guidelines, and other regulations the community may have to govern such as density, aesthetics, and the treatment of environmentally sensitive areas.

- ▮ **Review development proposals, recommend changes to ordinances, and recommend changes to planning policies** Development proposals may involve an amendment to the general plan, rezoning, or the approval of a subdivision plan. Decisions on these proposals require that commissioners have a working knowledge of the local development requirements and ordinances. Once a jurisdiction has established standards for local development, they should not be changed without substantial cause.

All development applicants should be treated equally. Exceptions set a precedent for others and open the commission to possible charges of favoritism. Official policy should be adhered to and regulations uniformly enforced.

- ▮ **Hold public hearings and meetings** The commission should, as part of its rules and procedures, adopt a set format and procedure for conducting its meetings. Chapter 4 discusses meeting procedures in more detail.
- ▮ **Assist in the preparation of a capital improvements program (CIP) for the community** - A CIP establishes priorities for new public facilities such as streets, parks, water, sewer, and other services to be

provided by the jurisdiction. The CIP enables the city or county to plan and budget for future needs.

- ▮ **Make recommendations** on possible community boundary changes through annexation or changes in the planning area.
- ▮ **Provide liaison with other governmental units** such as adjoining municipalities, county or state agencies, other planning commissions, and school boards.

5.1.3 Working with Other Public Officials and Private Organizations

In order to make its job easier, the commission should have a good working relationship with the planning staff, the council, board of supervisors, the management staff, and the other departments and agencies or boards involved in planning.

Commission/Staff Relationship ■ If the jurisdiction has a planning staff, the relationship between the commission and the staff should be clearly defined. Most often the planning director is hired by the county or municipal manager (chief administrator) with the approval of the council or board. The council or board also sets local policy and maintains budgetary control for the jurisdiction. The manager or administrator is responsible for policy implementation, programs, and budget management. The commission should not get involved in the administrative details of policy implementation or day-to-day management. This is the function of the staff. If desired, commissions could request update briefings on town business as an agenda item at regular meetings.

The planning staff is usually responsible for processing zoning and subdivision applications, negotiating with applicants, overseeing community development projects, advertising

public hearings, conducting research studies, preparing staff reports, making meeting arrangements, taking commission minutes, keeping records, and handling all other general administrative duties. The planning staff is there to assist by answering commissioners' questions or researching needed additional information. Staff usually has extensive knowledge of planning and zoning issues and diverse professional experience. Open communication regarding roles and expectations will ensure that each commission and staff find the right balance for working together efficiently.

Commission/Community Relationship ■ An important function of the commission is to provide a forum for citizens to voice their opinions and concerns about matters that the commission is considering. Citizen participation plays a vital role in projects like development of a downtown or general plan. The appointment of a committee comprised of community leaders as part of a particular effort (such as a general plan update) often helps to disseminate information, provide community input and feedback, and gain support for the project.

Commission/Elected Officials Relationship ■ It is important to remember that the commission is an **advisory** body only. Its duty is to study, review proposals, prepare plans and **advise** the council or board on planning and development matters. By making policy and project recommendations, the commission provides information and advice to the elected body, citizens, and agencies that play a role in the community's development. By soliciting the cooperation and input of the public and organizations interested in projects under review, the commission may gain credibility and support from the elected officials. It also helps to provide the elected officials with more than a yes or no vote tally for the item in question. The staff can provide the legislative body a summary of the discussions and decisions of the commission. This summary will highlight the findings of fact for approval or denial by the commission. To be

most effective, a commission should have periodic meetings with the governing body to set goals, establish or clarify policies, and discuss major development issues.

Commission/Municipal or County Attorney

Relationship ■ The basic rule on legal matters is: when in doubt about how to proceed legally, get an opinion from the city or county attorney. The jurisdiction's attorney is there to protect and advise the commission. When a controversial issue is being considered which may lead to litigation, counsel should be present and ready to offer advice. The attorney and planning staff should be a resource to the commission on state planning and zoning legislation, new ordinances adopted in other jurisdictions, and court decisions that have a bearing on the operations and scope of the commission's duties and responsibilities.

Commission/Consultant Relationship ■

Sometimes a municipality or a county may have a planning consultant to supplement the staff, provide additional technical skills, or to analyze issues and recommend how to deal with them. If the community does not have a professional planning staff, the commission may work closely with the consultant.

Before preparing a request for qualification (RFQ) or a request for proposals (RFP) to solicit responses from different consulting firms, the community must determine exactly what services they want provided, how much they want to spend, and what the final project or service should be. The RFP should provide sufficient information about the project that the consultant can prepare a scope of work, schedule, and tentative budget. The commission may solicit assistance in RFP or RFQ preparation from the Arizona Department of Commerce. A database of professional consultants throughout the state is also available on the Arizona Department of Commerce website at www.azcommerce.com. For more information on hiring a consultant, please refer to Chapter 6.3.3.

5.1.4 Becoming an Effective Commission

Many commissions are overwhelmed by the work facing them. The following are recommendations to increase the group's effectiveness:

Role ■ Understand the limits of a commissioner's role and do not get involved with the roles of others. Staff works with the applicant and prepares a staff report for the commission. A zoning administrator or hearing officer is responsible for the enforcement of the zoning ordinance. The board of adjustment hears appeals from these administrative actions.

Improve your Planning Knowledge ■ There are many courses, conferences, and special workshops offering basic training for commissions. The Arizona Department of Commerce hosts an annual training conference for planning and zoning commissioners, board of adjustment members, elected officials and staff, and conducts local training workshops with individual boards and commissions; the Arizona Planning Association hosts an annual conference; and, there are many books, videos, and web sites available on planning and zoning issues.

Look Beyond the Meetings ■ Attend meetings of other planning commissions to observe techniques for holding effective and productive meetings. Invite staff from adjacent municipalities, counties, the regional planning agency, the League of Arizona Cities and Towns, the Arizona Bar Association, Arizona Attorney General's Office, Arizona Department of Commerce, and other state and federal offices to update the commission on new programs, projects, legislation, regulatory devices, and recent court decisions affecting planning.

Take Stock ■ Get out in the community for field trips before and after a project has been

completed. Evaluate the success of the project vis-à-vis the commission's recommendations and expectations.

Annual Retreat ■ Hold an annual meeting to reflect on the commission's performance and take inventory of the community's progress and development. Revise goals, set objectives, and prepare a work program for the upcoming year. An honest evaluation should elicit suggestions for changes and improvements.

Worksessions ■ Informal worksessions prior to a hearing are a good way to review a comprehensive or controversial project. Worksessions also allow ample time for staff or the applicant to provide additional information to address questions or concerns raised by the commission.

14 *Ways to Build a Better Commission*

- 1 | Develop and adopt bylaws and procedures, and stick to them.
- 2 | Develop reliable information, data and maps, and make them available to the public.
- 3 | Prepare and maintain a general plan; refer to it and make decisions consistent with plan policies and further its implementation.
- 4 | Annually re-examine the progress of the commission. Make recommendations for improvements.
- 5 | Prepare an annual work plan with strategies.
- 6 | Participate in preparing the annual budget or capital improvement program. Use the general plan to help identify priorities.

5.3 RULES AND PROCEDURES

The process and protocols used by commissions and boards may be based on statutory requirements, local ordinances, or good practice. This section addresses several key areas of rules and procedures and applies to both commissions and boards of adjustment. Overall, it is suggested that boards and commissions develop and adopt a set of bylaws to guide the conduct of the group, so long as it does not create conflict with existing statutes or ordinances.

5.3.1 Meetings and Records

Arizona's Open Meeting Law sets the parameters for noticing, conducting, and recording public meetings. Please refer to Chapter 4 for more detailed information. Boards and commissions are required to keep minutes of the proceedings that record the vote of each member, records of its examinations, and other official actions. These minutes and records are public and must be available on a timely basis. Accuracy and sufficient detail are important since these records will constitute the major evidence in any litigation, a particular consideration for board of adjustment decisions that may be appealed to Superior Court.

5.3.2 Due Process

When reviewing planning and zoning cases, the courts focus on "due process", or the protection of an individual's rights and property. In legal disputes, procedural due process is often an area of controversy. Legal requirements for due process include:

- **Adequate Notice:** Published notice of all meetings that meet the requirements of the Arizona Statutes, including frequency and location of notice. Staff is responsible for this activity.

- **Advance Disclosure/Full Disclosure:**

Convenient public access to all pertinent information such as exhibits, studies, and staff reports, well in advance of the meeting date.

- **Opportunity to be Heard:** Opportunity for favorable or opposing public comment before the commission, board, or council makes a decision.

- **Findings of Fact:** Staff reports, exhibits, and proceedings from public meetings should be documented in official minutes. Decisions and actions should be based on relevant, factual information and refer to policies, ordinances, and plans as appropriate. The action a commission or board takes should be based on specific reasons relating to the zoning ordinance or general plan and should be detailed in the record. (This is not a legal requirement in Arizona, although it is required in other states.)

- **Avoid the Appearance of Impropriety:**

According to the State's Conflict of Interest Law A.R.S. § 38-501(A):

any public official or employee who has, or whose relative has, a substantial interest in any decision or a public agency must make this interest known on public records, and must refrain from discussing or influencing the decision in any way.

It is illegal to fail to declare a substantial conflict of interest, or to participate in any way in decision-making if there is a conflict. See Section 5.3.4 for additional discussion on conflicts of interest.

5.3.3 Code of Conduct

In addition to rules and procedures for operation, a code of conduct may be agreed upon and incorporated as part of the official bylaws. Guidelines for appropriate conduct might include the following:

- Avoid public charges of conflict of interest by dealing with them upfront. Seek advice from the jurisdiction's attorney when there is uncertainty.
- Gifts of cash, liquor, company products, or anything of value should be declined or returned to the sender. Public officials should not accept trips or entertainment paid for by applicants.
- Don't string people along. Make decisions promptly. If a proposal needs modification before approval, the commission has an obligation to be specific about what it wants, to avoid unnecessary delays and expenses to the applicant. If the basis for making a decision on a case is lacking because, for example, the applicant is unprepared, the project is premature, the proposal requires passage of an ordinance first, or there are conflicts with the general or comprehensive plan, deny the application rather than stringing the applicant along.

When should a commissioner or board member resign? Individual motives differ for serving in an unpaid job involving long hours, hard work, and lots of pressure. Effective public officials are honest, objective, and conscientious. They are not swayed, manipulated, or pressured into backing down from their convictions. A commissioner or board member should resign when he or she feels ineffective or ceases to work for the best, long-term interests of the community. Some communities also set limits on how many terms can be served.

5.3.4 Conflicts of Interest

There are specific legal definitions of conflict of interest, which typically relate to a public official having a direct or indirect financial interest in the outcome of a decision that he or she influences. The best advice for a commissioner or board member who is considering whether a conflict exists is to discuss the matter with the jurisdiction's attorney. If it is determined that a conflict of interest does exist for a particular case, the commissioner or board member must disclose the conflict and should not participate in the discussion or vote for the case. It is recommended that the individual with a conflict actually leave the room, so that there is no question that he or she is not influencing the discussion through body language or his or her presence generally. To ensure that due process occurs – that individuals receive the fair hearing from impartial public officials that they are entitled to – conflicts of interest must be handled in an appropriate manner.

If the attorney advises that a legal conflict does not exist in a particular case, it may be that the commissioner or board member still feels uncomfortable. Certainly, the public may perceive a conflict exists even if, legally, it does not. In these situations, it is suggested that the commissioner or board member disclose his or her concern to the group before discussion of the item. Public officials may still opt to recuse themselves from the discussion of an item based on the perception of a conflict or personal ambiguity over the correct course of action. Another option is to ask the group to make the determination as to whether the individual should be excused from the discussion of the item.

Some boards and commissions have established a process for dealing with potential conflicts of interest in their bylaws. This makes it easier for an individual to know what to do if there is a potential conflict. To do this, the group may want to have a worksession with staff and the jurisdiction's attorney to discuss the legal aspects

of conflict of interest and the best process to establish. It may be easier to discuss these issues in the abstract and in advance of a specific incident.

5.3.5 Ex Parte Contacts

Ex parte contacts are defined as those made "from or on one side only" and are made without notice to, or knowledge of, others involved in the matter under discussion. An example of an ex parte contact for a commissioner is a communication from an applicant to a public official one-on-one without a public forum. This could include telephone calls, informal meetings, lunches, or even a casual encounter on a street corner. Such contacts may be a source of pertinent information not otherwise available, but the key concerns are 1) that these communications might influence one individual's decision-making before deliberations begin, and 2) that the entire group would not be making their decision based on the same information. Since a board of adjustment is a quasi-judicial body, members should be especially careful of ex parte contacts, to avoid being influenced outside the public forum and without the benefit of hearing all sides of an issue.

The law on the subject indicates that boards and commissions are not prohibited from ex parte contacts but such communication must be disclosed for the record at the hearing to enable interested parties to hear and rebut the substance of the communications. If not made part of the records, an ex parte contact may provide the grounds for voiding a board of adjustment decision. The following guidelines should be considered in dealing with ex parte contacts:

... If someone contacts a board member or commissioner to discuss a matter currently or soon to come before the board, refrain from stating your position and invite the person to present testimony before the entire group.

... Written information on a pending action should be sent to staff for review and possible inclusion in the board packets. If approached by someone who wants to discuss a case, suggest the person write a letter stating his or her position or send additional materials to staff so that it can be distributed to the entire group.

... If someone persists in offering information but is unwilling to testify before the group, tell the person the information will be put on the record. If the person is unwilling to have the information placed on the record, then refuse to have further contact with him or her on the subject.

Don't take private field trips or tours with applicants or their representatives. It is best to announce the time and place for such field trips at a public meeting where it can be recorded in the minutes and interested parties may attend. It is best if the entire board can make field trips, but at least three members should go as a subcommittee appointed by the chair. (Remember that noticing or other Open Meeting Law requirements will apply if a quorum of the group will be attending the site visit.) It is usually a good idea to take a field trip or visit a site; in fact, these types of site visits can be extremely help in evaluating a proposal.

How to handle ex parte contacts is another topic that a board or commission may opt to address in bylaws. Some communities prohibit ex parte contacts, and others lay out a suggested process for responding to them. However the group decides to approach the issue, written procedures will help new members become oriented and will clarify the situation for all members in the event of a problem. Again, it is suggested that any policy on ex parte contacts be drafted with the assistance and input of staff and the jurisdiction's attorney.

outlined differently in each community, but this group can provide valuable input to the general/comprehensive plan process or discussions of ordinance updates.

5.5.2 Design Review Boards

A design review board typically would be charged with providing direction and recommendations to ensure aesthetically pleasing or desirable projects. Adopted design guidelines are typically the key tool used by the board to determine "aesthetically pleasing or desirable". These guidelines are developed in a participatory manner to facilitate the implementation of community plan goals and objectives (such as downtown or neighborhood revitalization, historic preservation, or landscaping improvements). The board provides a mechanism for ensuring that proposed projects comply with the established design standards and guidelines. Design review hearings occur in public forums that are subject to the Open Meeting Law, and would supplement the review of plans conducted by planning commissions.

5.6 WORKING EFFECTIVELY AS A GROUP

Commissioners and board members, especially new ones, need to know how to be effective group members. To work effectively, the group must be well organized and interact cooperatively. Organization and high morale contribute to group productivity, a sense of well-being, and the capacity to make well-informed, comprehensive decisions.

Three standards to measure a good work group are:

- **Effectiveness:** Does the commission function as a deliberative study committee providing informed advice to the elected

body? Does the board/commission debate excessively without properly evaluating the issues placed before it? Is the group "fact finding" for the decision at hand?

- **Continuity:** Are recommendations based on established policy, ordinances, and the general plan, or does the group "fly by the seat of its pants" on each new agenda item? An effective board/commission has direction, and each of its decisions is linked to fundamental principles.
- **Capacity for improvement:** As conditions change and new demands are made on the group, it must be able to adapt and respond to change. A particular challenge to commissions, for example, is the emergence of alternative lifestyles such as group homes, hospice centers, etc. A commissioner may find these lifestyles strange, but must consider them with care and sensitivity, and not let personal feelings interfere with fair and objective decision-making.

Long rambling meetings and the habitual continuance of agenda items diminish motivation and sense of purpose. A dysfunctional commission or board might have these symptoms:

- **Loss of spirit:** Due to a lack of direction, loss of support from elected officials, poor relations with staff, a hostile public, the group may become apathetic or disillusioned.
- **Poor attitudes:** Absenteeism, disorganization, and lack of leadership contribute to the disintegration of the group.
- **Structural disorganization:** Lack of cooperation within the group may be so disruptive that it becomes ineffective and often unable to reach agreement.

Leadership ■ The chair is responsible for providing leadership, being a liaison to the elected body, directing staff interaction, maintaining morale, and assuring the effective performance of the commission's duties. Sometimes the elected officials select the chair, and sometimes the job is rotated within the group. The commissioner selected as chair should have the following qualities:

- ▶ **Strength of Character:** ensure that meetings are fair and friendly, and are run by the rules in the face of opposition, competing viewpoints, and intense emotions.
- ▶ **Fairness:** allow members of the public an opportunity to be heard, even if they represent unpopular views.
- ▶ **Ability to concentrate on the issue:** review and summarize information, and identify the issue in order to keep the meeting on track.
- ▶ **Mediation skills:** have the patience and commitment needed to seek fair and reasonable compromises and find common ground before calling for a possibly decisive vote.

Decision-Making ■ Group decisions are often reached by polling the members under majority-rules voting procedures. The minority must be made to feel that they have been given fair treatment and that their views are respected. Some groups take the time to reach a consensus, feeling that compromise is important. A more reasonable (in some cases where consensus is difficult) approach is to vote by roll call, and allow each person to state the basis for his or her decision, whether that means citing the motion or staff report, or stating reasons for a minority view.

Common examples of poor decision-making include:

- ▶ **Scatterbrainstorming:** Every time someone offers an idea, someone else offers another before the first one is discussed. The result is confusion. This process reduces the initiative of participants and dilutes the effectiveness of the discussion.
- ▶ **Looking to authority:** Commissions or boards that make decisions based only on staff recommendations, or in response to the wishes of the governing body, avoid responsibility and serve no real purpose.
- ▶ **Railroading:** Group members who force decisions without the consent of the majority, by making a motion and pushing it through before discussing the issues, sabotage the credibility of the group.
- ▶ **Short-term outlook:** making decisions that benefit only the landowner or a few residents versus the community at large over the long-term.

5.6.1 Orientation for New Members

Relatively few of the people appointed to commissions or boards have a professional planning background, or the full range of technical skills necessary to review the development proposals and complex issues that come before them. Yet very few communities have developed orientation or education programs for new public officials. Although planning experience is absolutely not required for commissioners or board members, an open mind, interest in planning issues, and a willingness to learn and listen to a variety of opinions are. Still, the development application process, planning terminology, and other key knowledge areas may be confusing to new members. Staff or fellow members in a variety of ways could provide an orientation to community planning.

Consider...

- ▶ Conducting annual worksessions for all members to review processes or to discuss local planning issues
- ▶ Establishing orientation visits for new members with the planning staff to understand the purpose of the general/comprehensive plan and zoning code
- ▶ Requesting attendance at several hearings before appointment to the group
- ▶ Conducting a study session for new members with a planner to review the contents of a staff report and how to read a site plan
- ▶ Compiling a packet of information and guidance for the new member to review, including bylaws, this handbook, interesting articles from the Planning Commissioners' Journal (see www.plannersweb.com for subscription information), etc.
- ▶ Establishing a citizen's academy. These have been used successfully in several Arizona communities in educating people on municipal organization, state laws, and planning issues – these programs are often a source of well-prepared new public officials

Topics that should be covered in a new member orientation (or reviewed as a group) include discussion of staff recommendations and reports, how to request information from staff or ask questions, and the jurisdiction's development policies. It is important that the line of authority between staff, chief administrator or city/county manager, legislative body, and commission/board is clearly understood. The chair or vice-chair may brief new members on the rules and procedures. Matching new members with experienced members in a "buddy system" enables the new

appointee to learn, feel a part of the group, and gain confidence in their new role more quickly.

Some key questions that new (or veteran) members should consider include:



How do the commissioners/board members work together?

What role does the chair play?

Is it a formal or informal atmosphere?

Do the group members talk to each other, or mostly to staff?

How do they arrive at decisions?

How does the discussion lead to changes in the project or stipulations that are part of the motion?

Do they question staff, applicants, or other people testifying?

What happens when a hearing is closed?

How are motions made?

Finally, there are the "tools of the trade" for commissions and boards that should be distributed to each commissioner or member. Particularly with new members, staff should clarify the purpose and how to use each of the following "tools":

Tools...

- ▶ The general or comprehensive plan with all amendments, including a statement of community goals and issues relating to planning and development
- ▶ Copies of planning reports and related studies
- ▶ A legible, easy-to-use base map
- ▶ Copies of regulatory ordinances (zoning, subdivision, sign, design, etc.)
- ▶ The planning agency's work program for the year
- ▶ An executive summary of the annual budget or capital improvement program (CIP)
- ▶ The board/commission's bylaws and written procedures
- ▶ Copies of regional or state policies or programs to which they may be expected to refer on occasion
- ▶ Copies of any current agreements the planning agency has with other agencies or with consultants
- ▶ Copies of the rules, regulations, and forms that applicants must comply with in order to obtain permits
- ▶ A list of all the available planning resources
- ▶ A flow chart of how typical projects make their way through the different boards, commissions, and legislative body